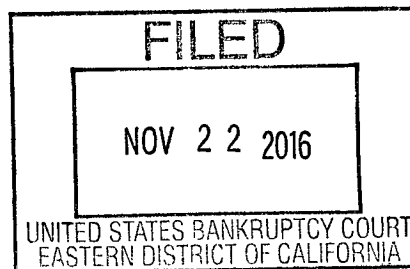


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DANIEL MAJOR EDSTROM SR.
2690 BROWN BEAR COURT
COOL, CA 95614
TEL: 916/207-6706
EMAIL: DMEDSTROM@HOTMAIL.COM

Debtor-in-possession

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN Re DANIEL MAJOR EDSTROM SR.) CASE NO. 16-24451
)
Debtor and Debtor-in-possession.) DC NO. DME-2
)
) CHAPTER 11
)
DANIEL MAJOR EDSTROM SR.) NOTICE OF APPEAL
)
Appellant,)
) Courtroom No.: 32
v.) Judge: Hon. Christopher D. Jaime
)
U.S. BANK NATIONAL ASSOCIATION, AS) United States Courthouse
TRUSTEE, FOR RESIDENTIAL ASSET) 501 I Street, 6 th Floor
SECURITIES CORPORATION, HOME) Sacramento, CA 95814
EQUITY MORTGAGE ASSET-BACKED)
PASS-THROUGH CERTIFICATES, SERIES)
2005-EMX4,)
)
Appellee.)

NOTICE OF APPEAL

DANIEL MAJOR EDSTROM SR., the Debtor and Debtor-in-possession of the above captioned bankruptcy proceeding ("Debtor" or "Appellant"), hereby appeals pursuant to U.S.C. § 158(a) from the Order Dismissing Case (the "Order") [Docket Item Number 72] filed

1 in the Chapter 11 case 16-24451-B-11 by the United States Bankruptcy Court for the Eastern
2 District of California (the Honorable Christopher D. Jaime, presiding) on November 9th, 2015
3 (entered on November 10, 2015), and all Interlocutory Orders as evidenced in the Record. A
4 copy of the Order on Motion is attached as Exhibit "1".

5 The Appellee does not appear in the bankruptcy schedules. Nonetheless appellee filed
6 unsupported objections to Appellants Motion to approve the adequacy of his first amended
7 disclosure statement.

8 The order of dismissal from which Appellant appeals follows a series of rulings on
9 motions and evidentiary objections, which Petitioner/Appellant has preserved for appeal.

10 1. The trial court failed to identify the Appellee. Instead the trial court treated the
11 Appellee as though it was U.S. Bank National Association instead of the trustee for a purported
12 trust. No trust or trust beneficiaries were identified. No writing exists or was proven to exist
13 establishing a trust, appointing a trustee, identifying any contributions or trust property, or
14 identifying any beneficiaries.

15 2. The trial court failed to identify necessary and indispensable parties, including
16 mutually exclusive parties to an alleged singular claim and any purported beneficiaries.

17 3. The Appellee was not included in the schedules because it is neither a creditor
18 nor the successor to any creditor in relation to the Appellant. Neither is it a holder in due course,
19 servicer or agent of, or for, any creditor.

20 4. The Trial court failed to rule on of the issue of the identification of the creditor,
21 but sustained the objection filed by the Appellee.

22 5. The trial court failed to apply established rules of evidence and rules of
23 procedure for the court and instead forced the burden of persuasion and the burden of proof onto
24 the Appellant — all without Appellee supplying any evidence to establish its standing or even
25 involvement with the alleged subject loan.

26 6. Without taking any evidence, the Trial court presumed that the Appellee had
27 standing and then took judicial notice (*sua sponte*) of **Appellant's** previous bankruptcy docket
28 and *erroneously* concluded that Appellant had admitted that a secured claim existed on his real
property despite proffered evidence to the contrary.

7. Without taking any further evidence and without a hearing the trial court then deemed the petition for Chapter 11 relief to be in bad faith, erroneously applying the two party dispute doctrine, despite clear issues raised by the Appellant as to the identity of the creditor and the authority of multiple other entities claiming rights to collect or enforce a debt that was neither funded nor purchased by any of them.

///

The names of all the parties to the Order and Order on Motion appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Appellant

DANIEL MAJOR EDSTROM SR.

Attorney of Record for Appellant

Daniel Major Edstrom Sr., in Pro Per
2690 Brown Bear Court
Cool, California, 95614
Tel: (916) 207-6706
Email: dmedstrom@dtc-systems.com

Respondents (Movant)

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE, FOR
RESIDENTIAL ASSET SECURITIES
CORPORATION, HOME EQUITY
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2005-
EMX4

Attorney for Respondents

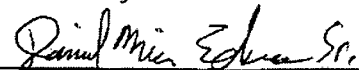
DARLENE C. VIGIL (BAR No. 223442)
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Diamond Bar, CA 91765
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edcaecf@bdfgroup.com

Office of the US Trustee
Robert Matsui United States
Courthouse,
501 I Street, Room 7-500
Sacramento, Ca., 95814

DATED: This 22nd day of November, 2016

Daniel Major Edstrom Sr.

By:


DANIEL MAJOR EDSTROM SR.
APPELLANT